

REMARKS

Reconsideration and withdrawal of the rejections set forth in the Office action dated September 21, 2007 are respectfully requested in view of the amendments and arguments presented herein. This Amendment is accompanied by a request for a one month extension of time; this Amendment is thus timely filed.

I. Status of the Claims

Claims 1-104 and 108-130 are canceled.

Claims 105-107, 131-188 are pending in the application.

II. Amendments to the Claims

Claims 105, 106, and 185 have been amended to more clearly reflect a feature of the hydrolytically stable linker, X - namely, that the linker, X, comprises at least 4 contiguous saturated carbon atoms adjacent to the ring nitrogen atom. This amendment finds support in the specification as originally-filed, e.g., at page 30, lines 28-30; at page 31, lines 33-35; page 32, lines 5-7; page 33, lines 20-22; as well as in the illustrative linkers provided in Table 1, and in the accompanying examples.

Claim 145 has been amended to delete the term "about" preceding recitation of the digit "4".

Entry of these amendments is respectfully requested.

No new matter is introduced into the claims by virtue of the foregoing amendments.

III. Rejection Under 35 U.S.C. §112, Second Paragraph

The Examiner has rejected claim 145 under 35 U.S.C. §112, second paragraph. It is the Examiner's position that in claim 145, recitation of the term, "about" before "4" renders the term indefinite.

Claim 145 has been amended to delete the term, "about" preceding recitation of "4" in the subject claim. In view of this amendment, it is submitted that the Examiner's rejection of the claims under 35 U.S.C. §112, second paragraph, should be withdrawn.

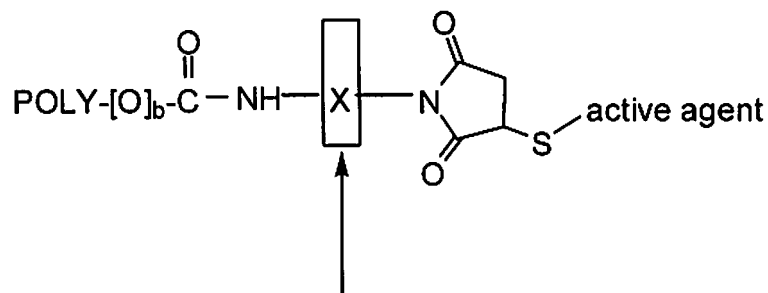
IV. Rejections Under 35 U.S.C. §102

The Examiner has rejected claims 105-107 and 131-143 under 35 U.S.C. §102(b) as unpatentable in view of Weisgerber, et al (WO 01/07484). It is the Examiner's position that the subject claims are anticipated by the structure shown in Example 2, middle of page 16.

This rejection is respectfully traversed in view of the remarks which follow.

A. THE CLAIMED INVENTION

The invention as embodied in the present claims is directed to conjugates of hydrolytically-stable maleimide-terminated water soluble polymers having a particular structural configuration, formed by reaction with an active agent having a thiol (-SH) group. Generally speaking, the conjugates possess the following structural features:



X is a linker comprising at least 4 contiguous saturated carbon atoms adjacent to the ring nitrogen atom

where

POLY is a water-soluble polymer segment,

b is 0 or 1,

X is a hydrolytically stable linker comprising at least 4 contiguous saturated carbon atoms adjacent to the ring nitrogen atom,

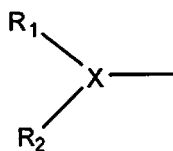
"POLY-[O]_b-C(O)-NH-X-" is absent aromatic groups and ester linkages,
and

"-S-active agent" represents an active agent comprising a thiol (-SH) group.

B. THE CITED ART

Weisgerber, et al. Weisgerber is directed to conjugates of proteases such as subtilisin-like proteases. The conjugates of the invention are chemically modified by covalent attachment of an addition moiety at one or more specific amino acid sites of subtilisin BPN' as described on page 3, first paragraph, of the document. The specific amino acid sites are clip site protection positions.

The addition moieties possess the structure:



where X is selected from nil and a linking moiety, and R₁ and R₂ are each independently selected from nil, a polypeptide, and a polymer, where at least one of X, R₁, and R₂ is not nil.

The described protease conjugates are stated to be particularly suited for use in cleaning compositions.

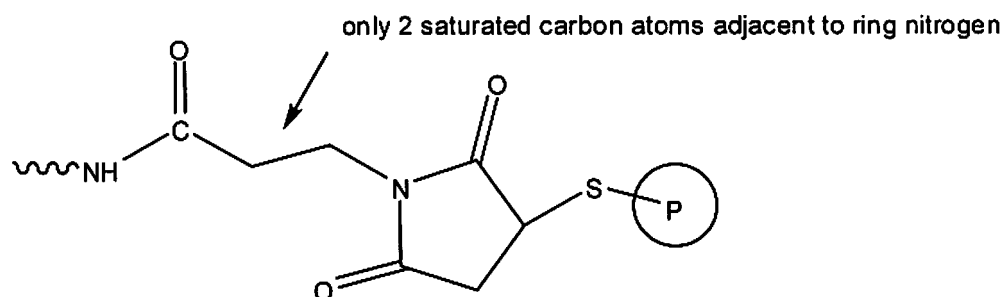
C. ANALYSIS

The standard for anticipation is as follows:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference". *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "Every element of the claimed invention must be literally present, arranged as in the claim". *Richardson v. Suzuki Motor Co., Ltd*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

In examining the structures relied upon by the Examiner in Example 2, page 16, it can be seen that the resulting conjugate fails to possess at least 4 contiguous saturated carbon atoms adjacent to the ring nitrogen as recited in the Applicant's claims. Rather, the conjugate of Weisgerber possesses only 2 saturated carbon atoms

intervening between the ring nitrogen and an adjacent carbonyl carbon (unsaturated carbon) as illustrated below.



In sum, the structure of Weisgerber fails to contain *each and every* element of the Applicant's claims. Thus, Weisgerber fails to anticipate the claimed invention.

In view of the foregoing, it is submitted that the Examiner's rejection of the instant claims under 35 U.S.C. §102(b) should be withdrawn.

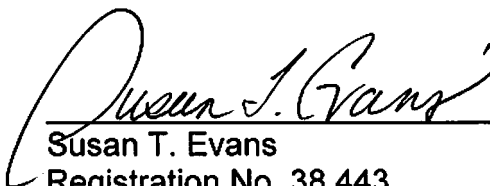
V. CONCLUSION

In view of the foregoing, the Applicant submits that all claims pending in the application patentably define over the cited art and comply with the requirements of 35 U.S.C. §112. Thus, it is submitted that the present claims are in condition for allowance. The prompt mailing of a Notice of Allowance is therefore earnestly solicited.

If a telephone conference would expedite the prosecution of the subject application, the Examiner is requested to call the undersigned at (650) 838-4406.

Respectfully submitted,

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